

Notice of Allowability

Application No.

10/600,387

Examiner

Janet M. Wilkens

Applicant(s)

JOHNSON ET AL.

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed July 25, 2005.
2. ☒ The allowed claim(s) is/are 3, 7, 10-13, 17, 18, 28, 32, 33, 35, 37, 38, 40, 42 and 71-78.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>9/27/2005</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>7/25/2005</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard A Zachar on September 27, 2005.

The application has been amended as follows:

In claim 3, line 8, "position" has been deleted and --portion-- has been inserted after "upper".

In claim 3, line 9, "panel" has been deleted and --panels-- has been inserted after the first appearing "said".

In claim 3, line 9, "position" has been deleted.

In claim 7, line 2, "the" has been deleted and --an-- has been inserted after "in".

In claim 10, line 6, "the" has been deleted and --a-- has been inserted after "towards".

In claim 10, line 21, "the" has been deleted and --a-- has been inserted after "to".

In claim 10, line 24, "the" has been deleted and --a-- has been inserted after "proximate".

In claim 10, line 24, the second appearing "said" has been deleted.

Art Unit: 3637

In claim 11, line 2, "the" has been deleted and --a-- has been inserted after "proximate".

In claim 12, line 2, "the" has been deleted and --a-- has been inserted after "proximate".

In claim 12, line 5, "the" has been deleted and --a-- has been inserted after "proximate".

In claim 17, line 2, "each" has been deleted.

In claim 17, line 3, "pins" has been deleted and --pin-- has been inserted after "retention".

In claim 18, line 1, "device" has been deleted and --rack-- has been inserted after "display".

In claim 18, line 3, "the" has been deleted and --an-- has been inserted after "proximate".

In claim 32, line 2, the second appearing "the" has been deleted.

In claim 33, line 5, "the" has been deleted and --a-- has been inserted after "towards".

In claim 37, lines 5-7, the phrase "said chutes being...and dispensed therefrom" has been deleted and --said chutes having a width so as to allow cylindrical articles to be stored therein and dispensed therefrom-- has been inserted in line 5 after "therebetween,".

In claim 37, line 9, "position" has been deleted and --portion-- has been inserted after "upper".

Art Unit: 3637

In claim 37, line 10, "panel" has been deleted and --panels-- has been inserted after the first appearing "said".

In claim 37, line 10, "position" has been deleted.

In claim 37, line 28, "top" has been deleted and --upper-- has been inserted after "the".

In claim 37, line 29, "the" has been deleted and --a-- has been inserted after "proximate".

In claim 37, line 30, "the" has been deleted and --a-- has been inserted after "proximate".

In claim 38, line 1, "dispensing device" has been deleted and --rack-- has been inserted after "The".

In claim 38, line 3, "top" has been deleted and --upper-- has been inserted after the first appearing "the".

In claim 38, line 3, "dispensing device" has been deleted and --rack-- has been inserted after "said".

In claim 40, line 1, "dispensing device" has been deleted and --rack-- has been inserted after "The".

In claim 40, line 1, "33" has been deleted and --3-- has been inserted after "claim".

In claim 40, line 3, "top" has been deleted and --upper-- has been inserted before "portion".

In claim 40, line 3, "chute" has been deleted and --chutes-- has been inserted after the third appearing "said".

In claim 42, line 8, "position" has been deleted and --portion-- has been inserted after "upper".

In claim 42, line 9, "panel" has been deleted and --panels-- has been inserted after the first appearing "said".

In claim 42, line 9, "position" has been deleted.

In claim 42, line 23, "chute" has been deleted and --chutes-- has been inserted after "said".

In claim 71, line 8, the first appearing "and" has been deleted.

In claim 72, line 3, "walls" has been deleted and --panels-- has been inserted after the first appearing "said".

Finally, this application is in condition for allowance except for the presence of claims 24, 25, 27, 43-70 and 88-90 drawn to inventions non-elected without traverse. Accordingly, claims 24, 25, 27, 43-70 and 88-90 have been cancelled.

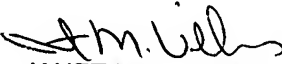
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkins
September 28, 2005


JANET M. WILKENS
PRIMARY EXAMINER
Art Unit 3637